IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2493 of 2005

Between:

Syed Mansoor Shah Hashmi, S/o. Syed Mahmood Shah Hashmi,
R/o. H.No. 9-8-193/1, Golconda Fort, Golconda,
Hyderabad-500 008.

..... PETITIONER

AND

The Regional Passport Office, Near Clock Tower, Secunderabad.
Rep. by the Passport Officer.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondent to issue fresh passport with correct date of birth of the petitioner, as illegal, arbitrary and violative of Article 14 of the Constitution of India, and consequently direct the respondent to consider the application No. M 23190/03 and issue fresh passport with correct date of birth of the petitioner as 10-04-1977 as per the Secondary School Certificate.

Counsel for the Petitioner: MR.T.DAMODAR

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.) Mr.A.Gopala Krishna Charyulu, Additional Standing counsel for Central Government.

The Court at the stage of admission made the following :

-

-

-

-

-

-

O R D E R:

Heard both sides.

2. This writ petition is filed seeking a declaration that the action of the respondent in not correcting the date of birth of the petitioner as 10-04-1977 instead 10-04-1971 in the passport bearing No. L 540846, issued on 22-6-1992 as arbitrary and illegal.

3. The petitioner states that he obtained passport on
22-06-1992 in which his date of birth, was wrongly mentioned as 10-04-1971 instead of 10-04-1977. He further states that his correct date of birth, according to his school records is 10-04-1977 and therefore, he approached the respondent seeking correction of date of birth in the passport. However, the respondent has been insisting to obtain declaration from the Court as to his correct date of birth. Hence, this writ petition.

4. As held by this Court in a judgment in ***Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another*** correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs issued a circular dated 18-04-2001, under which it is now permissible for the Regional Passport Officer to effect the corrections under certain circumstances specified in the circular.

5. In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within two weeks from today, in which event, the respondent shall consider the same in terms of the circular dated 18-04-2001 and pass appropriate orders in accordance with law within a period of four weeks thereafter.

6. Accordingly, the writ petition is disposed of. No costs.

_____

(G.ROHINI, J)

Dated 11th April, 2005

Note:

Issue CC in two days.

B/O

Mrb

To

1. The Passport Officer, Regional Passport Officer, New Clock Tower, Secunderabad.

2. Two CD copies.